

December 4, 2002

EX PARTE

Filed Electronically

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RE: Application by Qwest for Authorization Under Sec. 271 to Provide In-Region,
InterLATA Service in Colorado, Idaho, Iowa, Montana, Nebraska, North Dakota, Utah,
Washington & Wyoming; FCC WC Docket No. 02-314

Dear Ms. Dortch:

On December 3, 2002, an *ex parte* conference call took place between Eschelon Telecom, Inc. ("Eschelon") and the Federal Communications Commission ("FCC"). The Eschelon participants were Karen Clauson, F. Lynne Powers (consultant), and Bonnie Johnson. From the FCC, Michael Carowitz, Gail Cowen, and William Dever participated.

The call participants discussed the CGE&Y data reconciliation and Pending Service Order Notification ("PSON") issues, which are described in the enclosed November 11, 2002 Arizona 271 Comments (**Exhibits 43-44**) and its exhibits (**E-G through E-M**).¹ The nature of migration (Eschelon-to-Eschelon) orders (more than 70% of which required no switch work, *etc.*) and the special handling of those orders (including Qwest monitoring of orders at the switch, special hours, daily calls, and a single point-of-contact, "SPOC," for issue resolution) are discussed in Exhibit 43 at pages 27-29 & 37-39. *See also* Exhibit E-M (Qwest email). Despite all of this, Qwest affirmatively represents to the FCC that: "These orders were processed using normal procedures." *See* Qwest Nov. 19, 2002 Ex Parte letter, p. 6, ¶ 2. Qwest also affirmatively represents to the FCC that "normal problem resolution processes were employed." *See id.* Sending emails to a specially assigned SPOC (such as the sample emails enclosed as **Exhibit 45**) who then handles the problem is not the "normal problem resolution process" for conversion orders.

Eschelon indicated that, for the week of November 16 – November 22, 2002, 31% of the Eschelon Off-Net conversion orders that did not flow through (manual) had Qwest service order errors (per the PSON review). During the same time period, 13% of the Eschelon Off-Net conversion orders that did flow through (according to the Qwest flow through indicator on the FOC) had Qwest service order errors. (Any measure of performance should break out manually

¹ Exhibit E-F, referenced in Exhibit 43, is a copy of Eschelon's Ex Parte Comments, 02-148 & 02-189 (Sept. 4, 2002) (Exhibit 26 in this proceeding).

handled orders from flow through orders to accurately reflect performance and allow root cause analysis of problems.) Because Eschelon is bearing the burden and expense of conducting Qwest quality control and correcting Qwest errors before the due date, Qwest's performance appears to have improved when in fact errors occurred. Qwest's OP5++ and PO-20 measures do not adequately capture the Qwest errors and need to be associated with PAPs after being collaboratively developed. In addition, service order errors are only a part of the problem. *See* Eschelon's Ex Parte Comments, 02-148 & 02-189 (Sept. 4, 2002), pp. 9-10.

For On-Net (*e.g.*, loop) orders, Qwest has been providing incomplete data for a large number of PSONS, making comparison of that data impossible (as indicated in note 1 to Eschelon Exhibits 29a and 30a). Eschelon is attempting to verify whether Qwest has corrected this problem in a recent release. In any event, loop orders do not include features and thus the service and equipment comparison made possible by use of PSONS is less useful for On-Net orders. (On-Net issues are discussed in Eschelon's October 15, 2002 Comments in this proceeding at pages 3-4, and previous filings that were incorporated by reference.)

Eschelon also described its November 26, 2002 filing in the Arizona 271 proceeding relating to potential back-sliding with respect to positions Qwest has previously articulated and retaliation. *See* **Exhibit 46** and its exhibits (**E-N through E-T**). Recent communications from Qwest, now under new management, that cause concern include: (1) requirement of a contract amendment relating to UNE-P despite a contract that already includes combinations and despite Qwest's previous representation to regulators that an amendment was not required; (2) requirement of a contract amendment to obtain access to information about Remote Access Forwarding; (3) Qwest decision not to provide promised solution transparent to end-user customer for mechanizing "UNE-E" to obtain accurate billing, and Qwest demand that Eschelon surrender its right to DMOQs for billing accuracy; (4) threats to disrupt and disconnect service; (5) denial of request to opt-in to McLeod 2002 amendment rates; and (6) conduct requiring choice between 271 participation and full cooperation on business issues. *See id.*

The twenty-page limit does not apply to this filing.

Sincerely,

Karen L. Clauson
Senior Director of Interconnection
Eschelon Telecom, Inc.
612-436-6026

cc: Service List (by email)